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Chairman:	Mr. Butagira	(Uganda)
later:	Mr. Anshor (Vice-Chairman)	(Indonesia)
later:	Mr. Butagira	(Uganda)

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The meeting was called to order at 10.10 a.m.

Agenda item 71: Human rights questions (*continued*) (A/60/40, 44, 129, 336, 392 and 408)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/60/134, 266, 272, 286, 299, 301 and Add.1, 305, 321, 326, 333, 338 and Corr.1, 339 and Corr.1, 340, 348, 350, 353, 357, 374, 384, 392, 399 and 431; A/C.3/60/3 and 5)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/60/221, 271, 306, 324, 349, 354, 356, 359, 367, 370, 395 and 422 and Corr.1; A/C.3/60/2)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/60/36 and 343)

Rights of reply

1. **Mr. Laurin** (Canada) said that, while there was room for improvement in Canada, his country was characterized by open public debates on human rights. Canada took its human rights obligations seriously and cooperated fully with all the relevant United Nations machinery; it also offered the possibility of redress in cases of violations. He encouraged delegations to read all United Nations reports on Canada in their entirety. His country would continue to speak out on human rights whenever it felt it appropriate and would encourage other countries to do likewise. The statement by the Iranian representative was an effort to deflect attention from the human rights situation in his country.

2. **Mr. Hussain** (Pakistan) said that the criticisms made by the representative of Canada were an example of the double standards that characterized the international human rights system. The criticisms had targeted 22 countries, all of them Islamic and/or developing, and had failed to address the developed world where, for instance, the rights of indigenous people were flouted. The representative of Canada had also passed over in silence human rights violations in a country under foreign occupation neighbouring on Pakistan. He called on him to make a more global and objective analysis in future.

3. **Mr. Tesfu** (Ethiopia) referred to the statement by the representative of Canada that the recent elections in his country had marked a decline in respect for political rights in Ethiopia. He said that Ethiopia's third national election, held in May 2005, had been described as free and fair by international observers and that procedures were available for addressing any irregularities. Opposition parties had, however, chosen the path of violence; it was the Government's constitutional obligation to detain and prosecute those involved. He would welcome an acknowledgement by Canada of the positive developments in political rights in Ethiopia and tangible encouragement rather than undue criticism.

4. **Mr. Marsh** (United States of America) said that the United States was committed to building a more just world, as reflected in its treatment of its citizens, most of whom had come into the country as immigrants. Everywhere people were choosing freedom over oppression and fulfilling their democratic aspirations by holding free and fair elections. Those were values that the United States would continue to defend. It had detained enemy combatants for reasons of national security and treated them in accordance with international obligations and the Geneva Conventions; it was opposed to torture. In cases of abuse or misconduct, his Government held people accountable, whether within or outside the country. The United States worked with the United Nations, as it did with lovers of freedom around the world; it was prepared to stand beside them, whatever paths they chose towards democratic governance.

5. **Ms. Erotokritou** (Cyprus) said that it was regrettable that Turkey should persist in falsely blaming her country for a situation that was its own responsibility. Turkey's support for the secessionist entity was the reason for the division of Cyprus into two. The decisions taken in that regard by international bodies spoke for themselves. In refusing to comply with international law, Turkey remained responsible for the status quo and for the situation suffered by the Turkish Cypriots.

6. **Mr. Matsis** (Greece) said that the truth of the situation in Cyprus had been clearly established by the United Nations and other international bodies. Despite resolutions adopted by the Security Council and the General Assembly, Turkey continued to exercise military control over Cyprus. In April 2005, the European Court of Human Rights had recognized

Turkey's responsibility for a number of human rights violations in the northern part of the island. The Greek Cypriots' rejection of the Annan plan did not lessen the need to respect their human rights. The problem lay essentially in the continued Turkish occupation of Cyprus.

7. **Ms. Aghajanian** (Armenia) regretted misinformation as to the causes and effects of the conflict in Nagorno Karabagh. The Armenian population of that region had been forcibly placed under the rule of the Azerbaijani Soviet Socialist Republic from which, exercising its right to self-determination, it had seceded in December 1991. It was not and had never been part of independent Azerbaijan and had indeed voted by referendum for its own independence. Legally, therefore, it had not entered into the composition of that State upon the dissolution of the Soviet Union. It was laughable to say that the region was under temporary Armenian occupation, since it was the homeland of the people in question and had been so for millennia. Nor had Armenia imposed a blockade on communication links to Nakhichevan. His Government remained ready to reopen regional communication links, without preconditions, as a confidence-building measure. That would help to create a favourable environment and improve the prospects of a lasting solution. Azerbaijan's demand for the return of territories would be addressed as part of the negotiation package being worked out by the Minsk Group of the Organization for Security and Cooperation in Europe.

8. **Mr. Alaei** (Islamic Republic of Iran) said that the accusation that he had criticized Canada only in order to deflect attention from the human rights situation in Iran was unacceptable. Canada seemed to think that it had an exclusive right to denounce other countries without itself being criticized; it adopted a selective approach and favoured unequal treatment of countries both in the Third Committee and in the Human Rights Committee. The passages he had quoted in his statement had been drawn from reports of United Nations special mechanisms and attested to many human rights violations. Canada should respond in a responsible manner to the accusations.

9. **Ms. Singh** (Nepal) thanked the representative of Australia for his remarks about the electoral process in Nepal. Preparations were already under way for elections, the first of which would be in January 2006. In response to comments by the representative of Canada, he said that the state of emergency proclaimed on 1 February 2005 had been ended on 25 April 2005. The Government was committed to its constitutional and international obligations, including those relating to the protection of human rights, despite the ongoing conflict. The situation in her country had improved in that regard, as had been recognized, and efforts would continue to be made to improve it further.

10. **Ms. Assoumou** (Côte d'Ivoire) said that, contrary to what had been asserted by the representative of Canada, efforts were being made in her country to fight impunity, in cooperation with international human rights bodies. On so crucial a question, a denunciatory attitude was not acceptable; the concern had to be addressed constructively. Côte d'Ivoire attached central importance to human rights, as was reflected in its establishment of a Department of Human Rights, which had subsequently become a Ministry. Particular challenges had grown out of the crisis in the country following the attempted coup d'etat in September 2002, but institutions had continued to function and human rights violations were punished. The country was open to visits by special rapporteurs and commissions of inquiry and would continue to make every effort to combat impunity. She called for the support of the international community in pursuing that goal.

11. **Ms. Gardashova** (Azerbaijan) said that the statement by Armenia concerning the unilateral succession of Nagorny Karabakh from the Republic of Azerbaijan was misleading. The Constitution of the Union of Soviet Socialist Republics had specified that the borders of the former union republics could be modified upon mutual agreement between the republics subject to approval of the Soviet Government. The Government of the USSR, the arbitrator in disputes between Armenia and Azerbaijan prior to their independence, had repeatedly affirmed the territorial integrity of Azerbaijan, including Nagorny Karabakh, and declared the attempts by the Armenian Government to legalize the secession of the region to be unconstitutional.

12. She drew attention to Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), which affirmed the principles of territorial integrity and sovereignty, as well as the statement made by the Chairman-in-Office of the Organization for Security and Cooperation in Europe at the Summit of the Organization in Lisbon in 1996 (A/51/707). Furthermore, the Parliamentary Assembly of the

Council of Europe had declared that the occupation of the territory of a member State by another member State was a grave violation of a State's obligations as a member of the Council.

13. Concerning the situation of human rights, Armenia was in no position to criticize other States, as it had engaged in ethnic cleansing and crimes against humanity. The International Crisis Group had described Armenia as a clan-controlled economy and political autocracy. United Nations treaty bodies had expressed concern over the spirit of intolerance and discriminatory policies and practices in Armenia against ethnic and religious minorities, refugees and asylum-seekers, which had turned the country into a monoethnic State. She also referred to the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/372/Add.3) regarding Armenia.

14. With respect to the so-called blockade which Armenia alleged was being imposed by her Government against it, the severance of communications was a result of military conflict between the two States. No State would provide an aggressive neighbour occupying some 20 per cent of its territory with energy so that it could pursue its expansionist policies. Regarding confidence-building measures, Armenia had rejected a proposal by Azerbaijan supported by the European Union to open communications, saying that it did not need such a road, thereby contradicting its allegations of a blockade. The Nakhichevan region had been cut off from the mainland of Azerbaijan, however, as a result.

15. **Ms. Rasheed** (Observer for Palestine) said that Israel was the occupying Power in the Palestinian territories, including East Jerusalem. The root cause of the conflict in the occupied Palestinian Territories was the occupation and the brutal form of colonialism practised by Israelis there. Terror and violence did not emerge in a vacuum. The largest obstacle to peace was not terrorism but the occupation. The continued illegal actions and policies of the Israeli authorities, which had resulted in death and injury of thousands of Palestinian civilians, fuelled the vicious cycle of violence. Her delegation condemned all forms of violence against citizens. She would like to know, however, if the Israeli Government had ever condemned the killing of Palestinian civilians. The Israeli delegation had described the situation during the previous year as having improved. For the Palestinian people, the recent past, with the construction of the illegal wall, had been among its darkest years. While she commended the Israeli withdrawal from Gaza, she noted that 38 years of occupation had left the territory in a state of humanitarian disaster and the legal status of Gaza had remained unchanged. The Palestinian people had lived under oppression and subjugation. There was a need to create an environment conducive to peace. Only when the occupation ended and the expansion of Israeli settlements ceased would such an environment be possible.

16. **Mr. Aghajanian** (Armenia) said that he had not referred to the human rights situation in Nagorny Karabakh, Azerbaijan, Armenia or any other country. Human rights violations in both Azerbaijan and Armenia, however, were duly reflected in the reports of non-governmental organizations, which were available to Member States for objective consideration.

Agenda item 69: Elimination of racism and racial discrimination (A/60/18)

(a) Elimination of racism and racial discrimination (A/60/283 and 440; A/C.3/60/4)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/60/307 and 440)

Agenda item 70: Right of peoples to self-determination (A/60/111, 263, 268 and 319)

17. **Mr. Mokhiber** (Officer-in-Charge, New York Office, High Commissioner for Human Rights), introduced several reports of the Secretary-General prepared under agenda items 69 and 70 related to: the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa in 2001; the right of peoples to self-determination; the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery; the right to development, globalization and its impact on the full enjoyment of human rights; human rights and cultural diversity; the effective promotion of the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; strengthened United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity; human rights and unilateral coercive

measures; protection of human rights and fundamental freedoms while countering terrorism; and human rights and terrorism.

18. The report on global efforts for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/60/307) included a part on human rights mechanisms. Short overviews were given on activities undertaken by the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and others. The report demonstrated that the various stakeholders used the platform of the Durban Declaration and Programme of Action to act against racism, racial discrimination and related intolerance. New forms of racism were receiving increasing attention. Governments were reacting against cybercrime and the dissemination of racist ideologies via the Internet. At the same time, Governments, intergovernmental organizations, national human rights institutions and civil-society organizations were using the Internet to provide information about their work and spread messages of equality and non-discrimination. A trend was developing towards more reporting and monitoring of racist crimes and incidents.

19. The Office of the High Commissioner for Human Rights (OHCHR) included the implementation of the Durban Declaration and Programme of Action among its priorities. It had provided substantive and organizational support to the Durban follow-up mechanisms; organized regional seminars; cooperated within the United Nations system and with various other partners and stakeholders, especially non-governmental organizations; and undertaken outreach and awareness-raising initiatives.

20. The report of the Secretary-General on the right of peoples to self-determination (A/60/268) undertook a thematic approach and summarized developments at the sixty-first session of the Commission on Human Rights as well as the relevant principles from the jurisprudence of the Human Rights Committee.

21. The report of the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/60/263) drew attention to what she considered to be the root causes of the phenomenon of mercenaries, and called for a reconsideration of the nature of modern warfare and the roles and responsibilities of relevant actors. The Special Rapporteur had held a meeting with a number of representatives of private military companies in June which had yielded a statement, contained in the report, committing them to work on a code of conduct explicitly cognizant of human rights.

22. Lastly, he drew attention to a note prepared by the Secretariat on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/60/319), submitted prior to the constitution of the Working Group, which outlined its mandate and provided information on the nomination of its members.

23. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), introducing his report (A/60/283), said that the widespread resurgence of racism, racial discrimination and xenophobia for political and electoral purposes was the most serious current threat to democracy. There had been an intertwining of factors of race, culture and religion in recent crises which had thwarted the ability to analyse and respond appropriately to problems and exacerbated clashes of cultures and religions. Individual acts had been interpreted in community, ethnic or religious terms, thereby causing conflict between communities. The political will to combat racism must include intellectual and scientific efforts to identify the deep causes of racism. All forms of racism and discrimination must be treated equally.

24. In his report on defamation of religions and global efforts to combat racism (E/CN.4/2005/18/Add.4), he drew particular attention to Islamophobia. In the ideological context created by the terrorist attack of 11 September 2001, Islamophobia was a growing and alarming manifestation of discrimination often justified by counter-terrorism policies. Other serious forms of defamation requiring increased vigilance, including anti-Semitism and Christianophobia, had also been emphasized.

25. In his current report, he highlighted the need to prevent acceptance of racism and discrimination as a result of the inclusion of racist and xenophobic political platforms in the programmes of democratic parties under the guise of combating terrorism and illegal immigration (A/60/283, para. 6 (e)). He noted

the rise in racism and xenophobia as a result of the mistreatment of aliens, asylum-seekers, refugees and immigrants, especially in reception and waiting areas at airports, ports and stations, which were becoming so-called "no-rights zones" (ibid., para. 32).

26. There had been an increase in violence and manifestations of racism at sporting events, especially football matches. He called for increased efforts on the part of national and international sports authorities to increase awareness and punish firmly the perpetrators of racist incidents. He also reiterated his proposal to organize an event in conjunction with the United Nations, in particular OHCHR, on the occasion of the 2006 World Cup in Germany in order to send out a strong message against racism (ibid. para. 49).

27. Brazil and Japan had signalled their commitment to combating racism and xenophobia by facilitating his visit to those countries. Brazil seemed to be confronting its legacy of racism and questioning the national ideology of racial democracy which had hidden the reality of racism for a long time. The Afro-Brazilian communities, who were invisible in political, economic, social and media structures, continued to suffer from marginalization. He noted, however, a positive discrimination programme at the university level. In the case of Japan, racism and xenophobia persisted. Aside from the Ainu and Burakumin national minorities, he noted that the ethnic Korean and especially Chinese minorities and the new immigrants from Asia, the Middle East and Africa were also victims of discrimination and xenophobia.

28. There was a need to strengthen legal strategies to combat racism complemented by intellectual and cultural strategies which took account of the history of racism. Efforts must be made more universal and based on the promotion of democratic, interactive and egalitarian multiculturalism.

29. **Mr. La** Yifan (China), taking note of the Special Rapporteur's visit to Japan, said that his delegation concurred with his finding that racist discrimination and xenophobia were a reality in Japanese society, as shown by the lack of awareness about the recurring controversy surrounding the way in which certain episodes of Japan's history were written, the recurrence of the xenophobic and racist discourse of certain political figures, for example the Governor of Tokyo, and by the lack of comprehensive national legislation against racism and xenophobia. He would appreciate further details on the steps that might be taken with respect to the Japanese Government to redress such a social ill.

30. **Ms. Assoumou** (Côte d'Ivoire) said that her Government had ratified most human rights conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, and had condemned all forms of racial discrimination in its national legislation. Referring to the Special Rapporteur's mission to her country (A/60/283, para. 5), she wondered how it could be classified as xenophobic when more than a quarter of its population consisted of foreigners who were fully integrated into the economy. Although her Government had reservations concerning certain human rights accusations in the report, it had taken note of all the facts which might create discrimination. Côte d'Ivoire remained attentive to the Special Rapporteur's recommendations but wished to point out that the incidents referred to were isolated and that laws had been adopted to prevent them from becoming a State practice. Her Government suggested that the Special Rapporteur should undertake a more detailed analysis of the different parameters and actors involved in the crisis in Côte d'Ivoire, bearing in mind the objective of national reconciliation.

31. **Ms. Pérez Álvarez** (Cuba) said that it would be useful to conduct an in-depth analysis of Islamophobia in a special report to the General Assembly. Her delegation wished to know what new action could be undertaken to prevent xenophobic political parties with fascist ideologies from making racist declarations. It also wondered whether there was a link between the Special Rapporteur's view on multiculturalism and the draft UNESCO Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions.

32. **Mr. Shin** Dong-ik (Republic of Korea) said that his Government noted with concern the discrimination affecting national minorities in Japan and the way in which history was being taught, particularly vis-à-vis its historical relations with its neighbours. His Government looked forward to the detailed recommendations to be submitted by the Special Rapporteur at the next session of the Commission on Human Rights.

33. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) said that his Government was deeply concerned about discrimination against other nationals in Japan as well as the way in which certain episodes

of Japan's history were written. He inquired whether the Special Rapporteur could make any specific proposals to redress the situation.

34. **Mr. Dixon** (United Kingdom), speaking on behalf of the European Union, asked whether the Special Rapporteur planned to continue working on the question of genocide and wondered how he would collaborate with the Committee on the Elimination of Racial Discrimination and the Special Adviser on the Prevention of Genocide. He also wondered how the many non-governmental organizations that dealt with the elimination of racial discrimination could coordinate their measures and recommendations. Lastly, he inquired whether the Special Rapporteur saw a concrete role for civil society in the fight against racism.

35. **Mr. Kitaoka** (Japan) said that his Government was trying to eliminate racial discrimination and to ensure that history was being taught correctly.

36. He wished to know what countries the Special Rapporteur planned to visit in the future and what criteria were used in the selection of those countries.

37. **Mr. Elbadri** (Egypt) said that the legitimization of racist policies constituted a serious threat to democracy and wondered whether the Special Rapporteur had any specific operational points of view to share with the Committee. His delegation wondered whether religious defamation was linked to the rise in Islamophobia and whether the international community could take any concrete steps to combat that rise. It appreciated the fact that the role of education had been mentioned in the report but felt that insufficient emphasis had been placed on the need to teach young people to reject racist ideologies.

38. He also wished to know the meaning of the Special Rapporteur's suggestion that the European Union should recognize the urgency of giving special attention, in the building of the identity of the new Europe, to its ethnic, cultural and religious pluralism.

39. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said, in response to the question from the representative of China, that he would submit his proposals to the Commission on Human Rights towards the end of 2005, when his report had been finalized. With respect to the question of the selection of countries, the procedure was that the Special Rapporteur asked to be invited to a certain country. Japan had been selected because racism in that country was on the rise and because he wished to study a country which was insular from a cultural point of view but international from a political and technological point of view. He wished to see what problems had emerged as a result of multiculturalism and to gauge Japan's relationship with its neighbours, bearing in mind certain historical burdens.

40. He planned to recommend in his report that Japan should strengthen its political will regarding the elimination of discrimination and that the Government should distance itself from the xenophobic discourse of certain political figures, such as the Governor of Tokyo. With respect to the relationship between Japan and its neighbours and the way in which certain episodes of Japan's history were written, he suggested that if the population was more aware of the significance of Japan's historical ties with its Korean and Chinese neighbours, it might adopt a different attitude towards them. In addition, his report would recommend that Japan should adopt specific national laws condemning racial discrimination.

41. He was pleased that the President of Brazil had reiterated his determination to eliminate racism in that country but was disappointed that the colourful multi-ethnicity of the street was not seen in political and economic circles or in the media. With respect to the private sector, it should be encouraged to practise positive discrimination and should participate in drawing up national policies on the elimination of racial discrimination.

42. Multiculturalism was an established fact in Côte d'Ivoire, given that every family was multi-ethnic. Although xenophobia was not systematic, police forces had been known to target ethnic groups. He warned the Government that if it did not monitor the situation, xenophobia could easily become a trend.

43. With regard to the question from the representative of Cuba, he agreed that Islamophobia had become one of the most serious forms of discrimination. The General Assembly must recognize that political and administrative practices in certain countries discriminated against people who believed in Islam and against the religion itself. He was concerned that all forms of defamation of religions, particularly anti-Semitism and Christianophobia, were on the rise and warned that Governments must be extremely

vigilant. They should also be aware that xenophobic platforms were gradually penetrating the programmes of democratic parties under the guise of counter-terrorism and the fight against illegal immigration.

44. In response to the question from the representative of Egypt regarding the identity of the new Europe, the European Constitution had not paid sufficient attention to the fact that the European identity had changed and that ethnic, cultural and religious pluralism must be taken into account. It should be noted that racist and xenophobic acts were the result of a refusal to recognize multiculturalism, not only in Europe but all over the world.

45. **Mr. Thomson** (United Kingdom), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and Turkey; the stabilization and association process countries Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia; and, in addition, Iceland, Liechtenstein, the Republic of Moldova and Ukraine, said that the International Convention on the Elimination of All Forms of Racial Discrimination was the core international legal instrument in the fight against racism. The Committee on the Elimination of Racial Discrimination had demonstrated the pertinence and usefulness of the Convention in addressing new and contemporary forms of discrimination, xenophobia and intolerance.

46. The European Union urged all States to ratify the Convention and implement all its provisions as a matter of priority; to adopt measures to combat the symptoms and causes of racism and discrimination; and to cooperate fully with the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the Anti-Discrimination Unit of OHCHR.

47. The European Union had participated actively in the work of the third session of the Intergovernmental Working Group on the Implementation of the Durban Declaration and Programme of Action in October 2004. The Union regretted that the members of the Commission on Human Rights had been unable to respect the forward-looking consensus reached by the Working Group and firmly believed that more understanding and improved dialogue should guide their efforts in that area.

48. In countering the challenge of global terrorism, all States must ensure that their efforts were in conformity with international human rights law and did not breed new forms of discrimination. Only global cooperation and understanding would counter those who sought to attain their objectives through violent acts of hatred. Action should be taken against all forms of intolerance, since the victims of racism could suffer from multiple discrimination which could lead to poverty, underdevelopment, marginalization, social exclusion and economic disparities. A gender perspective should also be integrated into all policies against racism. The European Union had also made it a priority to protect minority ethnic groups and indigenous peoples from racism.

49. Education could play a central role in fostering knowledge of and respect for the world's different cultures and peoples. Politicians must also play their part in preventing the spread of racist ideologies. All States should take the measures needed to combat the use of the media and the Internet to spread racism while also guaranteeing the right to freedom of opinion and expression.

50. The European Union had put in place anti-discrimination legislation requiring the establishment of specialized equality bodies in each member State. It also provided funding for initiatives designed to tackle discrimination. The European Monitoring Centre for Racism and Xenophobia supported the efforts of national authorities and civil society in the European Union and cooperated with the European Commission against Racism and Intolerance in monitoring and analysing the progress made in combating violence, discrimination and racial prejudice within all States of the Council of Europe. The European Union had also established anti-discrimination bodies and it urged other States to take similar steps.

51. The European Union was working with the Organization for Security and Cooperation in Europe to tackle racism within Europe. Following a series of events held on tolerance, three representatives had been appointed to combat, respectively, racism, xenophobia and discrimination against Christians and other religions; anti-Semitism; and discrimination against Muslims.

52. **Mr. Neil** (Jamaica), speaking on behalf of the Group of 77 and China, said that the elimination of overt and covert racism must remain a priority of the

international community. The denial or violation of equal rights on the basis of race ran counter to the very foundations and principles upon which the United Nations was based and remained one of the most serious problems facing humanity. It was of critical importance that the international community continued to monitor the progress made in implementing the Durban Declaration and Programme of Action. In that connection, the report of the Secretary-General (A/60/307) provided useful information on the activities of the various United Nations organs and other stakeholders at the regional, national and international levels.

53. The Group welcomed the various signs of institutional strengthening at the national level and encouraged Governments to continue to counter the dissemination of racist ideologies via the Internet. While freedom of speech remained a valuable component of a democratic society, its exercise should not jeopardize the rights of others.

54. The report of the Special Rapporteur (A/60/283) had drawn attention to some alarming signs of a retreat in the struggle against racism, racial discrimination and xenophobia as a result of counter-terrorism policies. It was regrettable that the fight against terrorism had created an opening for some political parties to adopt racist and xenophobic political platforms. The increase in racist and xenophobic incidents in the field of sports was also regrettable and therefore, in line with the Special Rapporteur's recommendations, national federations should submit annual reports on racist incidents and the action taken in response to them.

55. The General Assembly had recently adopted a resolution addressing the need to honour the memory of the victims of the Holocaust. That approach should be broadened to acknowledge other historical instances of racist oppression with a lasting legacy. In 2007 the people of African descent would celebrate the bicentenary of the ending of the slave trade in the British Empire. The United Nations would be expected to make appropriate arrangements to commemorate that date. The legacy of slavery, in particular, was at the heart of profound social and economic inequalities which continued to affect people of African descent. The fight against racism should therefore recognize the social and economic dimensions of the injustices of the past and seek to redress them appropriately.

56. The Group would again submit a draft resolution on the global efforts made towards the elimination of racism, racial discrimination, xenophobia and intolerance and on the implementation of the follow-up to the Durban Declaration and Programme of Action. It looked forward to receiving the full support of all members of the international community in those endeavours.

57. **Mr. La** Yifan (China) said that racism was a grave violation of human rights that also led to poverty and armed conflict. Governments should act in the spirit of the Durban Declaration and Programme of Action by adopting measures aimed at removing both traditional and contemporary sources of racism. At the international level, the United Nations should coordinate the implementation of the Declaration and Programme of Action by supporting the work of the Intergovernmental Working Group on the Implementation of the Durban Declaration and Programme of Action.

58. The right to self-determination was the foundation for the realization of all other human rights. His delegation supported the Palestinian people in their just struggle and hoped that the international community would make joint efforts for an early, fair and reasonable solution in order to bring lasting peace to the Middle East.

59. The right to self-determination had originally been advocated in the context of combating colonialism and foreign aggression. Only by comprehensively adhering to the Charter of the United Nations and the principles of international law, including respect for State sovereignty, territorial integrity and the right to self-determination, could people of all countries enjoy peace, development and human rights.

60. **Mr. Hussain** (Pakistan) said that his delegation was deeply concerned about the increase of discriminatory acts against Islam and Muslims noted by the Special Rapporteur in his report (A/60/283). The stereotyping of Muslims had caused them great harm and had also undermined the global fight against terrorism.

61. While the modern world had become more aware of the grave consequences of racism, the response designed to eradicate that scourge in those societies where it was most rampant had been fitful. Discrimination was a serious affront to humanity and

in the past had led to atrocities. Foreign occupation was another brutal form of discrimination whereby occupying Powers denied subjugated peoples their basic freedoms.

62. While some States were proud of their credentials on democracy and the rule of law, their record on eliminating racism, racial discrimination and xenophobia was less than enviable. National and international efforts to prevent the spread of hate and racist ideologies by some groups remained inadequate. In that context, the right to freedom of opinion and expression had been abused. In some societies, the most sacred scriptures, the most revered personalities and the most cherished cultural values had been targeted as part of hate campaigns. Such blasphemous activities must be prevented in order to preserve peace and harmony within societies as well as friendly relations among States.

63. **Mr. Elbadri** (Egypt) said that confusion in the fight against terrorism had led to discrimination against and oppression of the Arab Muslim world. The report of the Special Rapporteur affirmed that there had been a retreat in the struggle against racism, racial discrimination and xenophobia as a result of counter-terrorism policies. Some Governments had also exacerbated situations of conflict by closing their eyes to the defamation of certain religions on the grounds of freedom of expression.

64. Member States should adopt, inter alia, comprehensive educational plans to teach future generations about the need for tolerance and acceptance of others as equals; early-warning mechanisms to counter racist movements; and rules to ensure respect for the rights of others while preventing the defamation of religion. New measures were needed to meet those challenges. The international community should be able to take all measures necessary through mature policies which took into account the necessary balance between duties and rights.

The meeting rose at 1.05 p.m.

United Nations A/C.3/60/SR.35

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Chairman: Mr. Butagira ..... (Uganda)
later: Ms. Tomič (Vice-Chairman) ..... (Slovenia)
later: Mr. Butagira (Chairman) ..... (Uganda)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 10.10 a.m.

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/60/L.30, L.33 and L.40)

Draft resolution A/C.3/60/L.30: Subregional Centre for Human Rights and Democracy in Central Africa

1. **Ms. Mahouve** (Cameroon), introducing the draft resolution on behalf of the original sponsors as well as Algeria and Guinea, said that the mandate of the Subregional Centre was to support the development of a culture of human rights and democracy in the countries of the Economic Community of Central African States (ECCAS) in order to prevent conflicts and promote peace and sustainable development. She encouraged other Member States to support the draft resolution and hoped that it would be adopted by consensus.

2. **The Chairman** said that Ghana, Mali, Kenya and Togo had also joined in sponsoring the draft resolution.

Draft resolution A/C.3/60/L.33: National institutions for the promotion and protection of human rights

3. **Mr. Yadav** (India) introduced the draft resolution on behalf of the original sponsors as well as Australia, Ghana, Norway, the Republic of Korea, the Republic of Moldova, Romania, Senegal and Sri Lanka. He hoped that the draft resolution would be adopted without a vote.

4. **The Chairman** said that Afghanistan, Bangladesh, Guinea, Mexico, Nepal, Timor-Leste and Turkey had also joined in sponsoring the draft resolution.

Draft resolution A/C.3/60/L.40: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

5. **Ms. Ajamay** (Norway), introducing the draft resolution on behalf of the original sponsors as well as Albania, El Salvador, Israel, Jordan, Nigeria, the Republic of Korea, South Africa, Sri Lanka and the former Yugoslav Republic of Macedonia, said that the draft resolution called upon Member States to promote and give full effect to General Assembly resolution 53/144. She hoped that the draft resolution would be adopted by consensus.

6. **The Chairman** said that Burkina Faso, Lesotho and Turkey had also joined in sponsoring the draft resolution.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/60/L.41, L.45, L.46, L48 and L.53)

Draft resolution A/C.3/60/L.41: Situation of human rights in the Democratic Republic of the Congo

7. **Mr. Thomson** (United Kingdom), introducing the draft resolution on behalf of the sponsors, said that the human rights situation in the Democratic Republic of the Congo remained a matter of deep concern, particularly in the eastern part of the country. The draft resolution called on the transitional Government, the parties to the former conflict and the international community to take urgent action to protect civilians, to promote and protect human rights and to put an end to impunity in the Democratic Republic of the Congo. He hoped that the draft resolution would be adopted by consensus.

8. **The Chairman** said that Serbia and Montenegro had also joined in sponsoring the draft resolution.

Draft resolution A/C.3/60/L.45: Situation of human rights in the Islamic Republic of Iran

9. **Mr. Laurin** (Canada), introducing the draft resolution on behalf of the original sponsors as well as Croatia, said that the marked deterioration in the human rights situation in the Islamic Republic of Iran over the past year was a cause for serious concern and that the international community, through the draft resolution, called upon the Government to take action to improve that situation.

Draft resolution A/C.3/60/L.46: Situation of human rights in Turkmenistan

10. **Mr. Siv** (United States of America), introducing the draft resolution on behalf of the original sponsors as well as Albania and Switzerland, said that the Government of Turkmenistan had not adequately addressed human rights violations in Turkmenistan and

that the overall human rights situation had not improved since the previous year. The draft resolution was therefore necessary to focus the attention of the international community on that situation.

Draft resolution A/C.3/60/L.48: Situation of human rights in the Democratic People's Republic of Korea

11. **Mr. Thomson** (United Kingdom), introducing the draft resolution on behalf of the sponsors, said that Commission on Human Rights resolution 2005/11 had urged the General Assembly to take up the question of human rights in the Democratic People's Republic of Korea in the absence of any improvement in the human rights situation and if its Government failed to extend cooperation to the Special Rapporteur. The continued non-compliance by the Government with resolution 2005/11 required the General Assembly to address that issue and he therefore urged Member States to support the draft resolution.

12. **The Chairman** said that Serbia and Montenegro had also joined in sponsoring the draft resolution.

13. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) said that his Government had rejected resolution 2005/11 on the grounds that it was politically motivated, an example of selectivity and double standards, and not reflective of the actual human rights situation in the country.

Draft resolution A/C.3/60/L.53: Situation of human rights in Myanmar

14. **Mr. Thomson** (United Kingdom), introducing the draft resolution on behalf of the original sponsors as well as Switzerland, said that he hoped the draft resolution would be adopted without a vote as a sign of its concern for and solidarity with the people of Myanmar.

15. **The Chairman** said that the Republic of Korea and Serbia and Montenegro had also joined in sponsoring the draft resolution.

Agenda item 69: Elimination of racism and racial discrimination (*continued*) (A/60/18)

(a) Elimination of racism and racial discrimination (*continued*) (A/60/283 and 440; A/C.3/60/4)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/60/307 and 440)

Agenda item 70: Right of peoples to self-determination (*continued*) (A/60/111, 263, 268 and 319)

16. **Mr. Osmane** (Algeria) said that the United Nations had over the years made indisputable progress in combating apartheid, racism and racial discrimination. The 2001 Durban Declaration and Programme of Action were significant in that respect and all countries were morally obliged to put them into effect. Despite the commitments made, however, the same ills continued to be alarmingly present in several parts of the world. Migrant workers, non-nationals, refugees, asylum-seekers and minorities still suffered racist and xenophobic treatment. He noted from the Special Rapporteur's report (A/60/283) a slackening of worldwide effort to combat such behaviour and said that the Organization should maintain the impetus created by the Durban Conference.

17. The right of peoples to self-determination was one of the mandatory norms of international law and was inscribed in the Charter and other international instruments. The Organization owed its universality to the application of that principle, which had enabled many peoples throughout the world, including the Algerian people, to shake off the colonial yoke and attain independence. Decolonization nevertheless remained incomplete so long as the Palestinian and Western Saharan peoples were prevented from exercising that right. Algeria remained convinced that only a final settlement of the question of the Western Sahara, with due regard for the Sahrawis' right to self-determination, would bring peace and stability to the Maghreb region.

18. **Mr. Kitaoka** (Japan) said that the United Nations had developed a number of norms and mechanisms to counter racial discrimination, which was one of the most serious violations of human rights. However, globalization, increased migration and the development of high technology had contributed to its spread. In response to particular cases of racial discrimination, it was important to consider its background and causes, as well as its links with other forms of discrimination.

19. In Japan, national and local governmental bodies had taken measures to combat discrimination,

including a prohibition incorporated into a human rights protection bill which should soon be passed by Parliament. Convinced that racists were not born but created from ignorance and prejudice, Japan was promoting the development of a tolerant, multicultural society through education and awareness-raising as well as youth-exchange programmes with other countries. His Government remained committed to combating racial discrimination and would give serious consideration to the recommendations of the Special Rapporteur, following his recent visit to the country.

20. **Mr. Bernaza Fernández** (Cuba) said that democracy, human rights and freedom depended on the elimination of racism, racial discrimination and xenophobia, yet they were on the increase. Islam in particular was discredited and even demonized. In the United States of America, police had beaten an elderly black man in New Orleans; because of the FBI, Filiberto Ojeda, a Puerto Rican independence fighter, had bled to death; Mexican immigrants had suffered mistreatment; and prisoners at Guantánamo Naval Base were subjected to daily torture and humiliation. He attributed such cases to a belief in racial superiority and he called for the immediate implementation of the Durban Programme of Action. Transnational forces were seeking to impose a single political and economic model so as to facilitate their ideological domination of the world. New initiatives were called for in order to resolve key issues that had gone unanswered at Durban.

21. Cuba supported the Puerto Rican and Palestinian peoples' right to self-determination. Its own right to self-determination had been constantly challenged by a hegemonic Power that gave itself the unilateral right to attack any country. That same Power, the United States, had backed mercenary action against Cuba, causing thousands of victims. It was holding under its protection Luis Posada Carriles, responsible for the destruction of a Cubana de Aviación aircraft in October 1976, in defiance of Venezuela's request for his extradition, supported by the Heads of State of the Ibero-American community.

22. **Mr. Ritter** (Liechtenstein) said that, in contrast to the usual, exclusive focus on achieving independent statehood, the potential of the right to self-determination as a tool for conflict prevention and the consolidation of stability was yet to be fully explored. Many conflicts occurred because people sought independence as their only means of asserting their distinctiveness. Self-determination was however an ongoing process whereby peoples could establish their political status and pursue their economic, social and cultural development. It offered new prospects for peaceful coexistence other than secession and separate statehood. The right to self-determination should accordingly be considered with reference not just to peoples under foreign occupation but to all peoples and should lead to the discussion of different forms of self-governance and self-administration.

23. Liechtenstein had long been committed to the right to self-determination and had been seeking new ways of applying it in the interests of conflict prevention. It had thus in 2000 established an Institute on Self-Determination at Princeton University which was currently planning the Princeton Encyclopedia on Self-Governance and International Diplomacy, intended to serve as a unique tool for the analysis and resolution of self-determination issues.

24. *Ms. Tomič (Slovenia), Vice-Chairman, took the Chair.*

25. **Mr. Muñoz** (Chile) said that the Durban Declaration and Programme of Action echoed the action taken by Chile to combat racism. Since the establishment of democracy there in 1990, measures had been taken in support of macroeconomic policies for growth combined with social policies to ensure equal standards of living and equal opportunities for all citizens. The Government had laid emphasis on health services, housing, education, access to justice and support for the most vulnerable groups, including persons with disabilities and indigenous people. It had launched a programme against intolerance and discrimination and encouraged the involvement of citizens in the design of public policies respectful of cultural diversity. A network had been established, bringing together ministries and social services, along with a multicultural citizens' network representing vulnerable groups and minorities; the aim was to strengthen Chile's institutions in order to put an end to racial intolerance and discrimination in the country.

26. The President had recently announced a plan for equality and non-discrimination as a further tool to strengthen human rights and raise public awareness of the issues involved, guided by intergovernmental and non-governmental action. In its efforts to strengthen democracy, the Government was seeking to ensure increased citizen participation in decision-making.

Chile had the political will to make further progress in promoting human rights and in combating racism and racial discrimination in accordance with the Durban Declaration and Programme of Action, to which it remained committed.

27. **Mr. Abbas** (Iraq) said that the Government of Iraq reaffirmed its commitment to the International Convention on the Elimination of All Forms of Racial Discrimination, which it had ratified in 1971. The new Iraqi Constitution prohibited all forms of discrimination, and the Government was working to create a society free of discrimination and racism where national loyalty surpassed all others, and all citizens enjoyed basic freedoms. Constitutional recognition of the rights of minorities was a crucial building block of the new federal, pluralistic and democratic Iraq, which could succeed only with the support of the international community.

28. **Mr. Hijazi** (Observer for Palestine) said that Palestine's experience with racism and racial discrimination dated back to the year 1948, when more than 800,000 Palestinians had been forced to flee their historical homeland. Fifty-seven years later, four million Palestinian refugees were still waiting for the international community to award them the same rights as other refugees.

29. Israel's laws on return and nationality granted the right of immigration and citizenship to any person of the Jewish faith born anywhere in the world. Yet Palestinian refugees were denied the right to return to their homeland, as outlined in countless international resolutions.

30. Israel had funded and defended the creation of exclusively Jewish settlements in the Occupied Palestinian Territory, including East Jerusalem, in grave violation of the Fourth Geneva Convention and the International Convention on the Elimination of All Forms of Racial Discrimination, to which it was a party. It had even institutionalized a network of Israeli-only roads. Leading Israeli politicians and religious figures were permitted to make racist remarks against Palestinians without the slightest reproach and Israeli courts repeatedly passed light or suspended sentences against Israeli settlers and soldiers found guilty of murdering or brutalizing Palestinian civilians.

31. Israel's racist practices and policies had culminated in the erection of the colonial wall in the West Bank, including East Jerusalem. Those policies stripped Palestinians of their land, natural resources and basic elements of life such as schools and hospitals in order to grant rights and properties to Jewish Israeli settlers.

32. To cleanse itself of such racism, Israel must recognize its responsibility for the suffering it had caused the Palestinian people over the years. The international community also had a responsibility to ensure that all peoples were entitled to a life free of racial discrimination and policies driven by an irrational sense of racial, religious or ethnic supremacy.

33. **Mr. Elbadri** (Egypt) said that the right of self-determination was a basic principle of international law recognized by numerous international instruments. It was a collective right that was a prerequisite for many individual rights. It was the foundation of democracy, just as occupation and colonialism were the natural enemies of democracy. The international community should take every opportunity to reaffirm the right to self-determination, and should be on constant guard against it being subverted for political reasons.

34. That right was not a gift but an inalienable right that applied as much to the Palestinians as to any other people suffering under the yoke of occupation. The failure of the international community to enable the Palestinian people to exercise that right constituted a form of discrimination against a people that had struggled so long to establish its own State on its own national soil. Although the recent withdrawal of occupation forces from Gaza and parts of the West Bank had created a relatively positive climate, the cycle of violence continued because of economic strangulation, partition, siege, encirclement by the separation wall, and Israel's continued obstruction of genuine implementation of the road map.

35. Israel's continued occupation was contrary to the natural flow of history. The age of occupation and colonialism had ended, but the Palestinian people continued to be barred from entering the age of democracy and freedom. Denial of the Palestinian right to self-determination only served to exacerbate regional tensions, extremism and hatred between peoples. Granting them that right could serve as a model for efforts to guarantee human rights in other regions.

36. **Mr. Abusif** (Libyan Arab Jamahiriya) said that, despite international efforts, racism continued to be practised in many places, even if sometimes concealed

from view. Refugees and indigenous peoples were victims of racism, as were increasing numbers of migrant workers. It was saddening that States that had signed human rights instruments were able to violate them with impunity. Israel's actions against the Palestinian people, which included brutalization, home demolition and expulsion, were the height of discrimination. The racist separation wall was dividing the Palestinian people into two, while the Israelis continued to ignore General Assembly resolution ES-10/15 on that matter, as it had other United Nations resolutions and international instruments.

37. Since the tragic events of 11 September 2001, a campaign had been launched by Western media to associate the Islamic religion with terrorism. In fact, every State interpreted "terrorism" to suit its own interests. The accusations of terrorism levelled against Arab and Islamic communities around the world constituted racial discrimination in the form of a ruthless campaign against religion, culture and civilization that the international community must confront.

38. The principle of self-determination enshrined in the Charter was an inspiration to peoples all over the world, not least the Palestinian people, who had been struggling since 1948 to determine their fate on their own land, which had been taken from them by force. Impunity for crimes motivated by racism and xenophobia weakened the rule of law and democracy. With regard to mercenaries, more dialogue and study of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (1989) was necessary to make progress towards its ratification.

39. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that her Government did not permit discrimination on the basis of race or gender. The Constitution guaranteed equality before the law and provided measures in favour of groups or persons who might otherwise be discriminated against, especially the most vulnerable. An independent public body had been established to ensure that all human rights were respected.

40. The Constitution also recognized the rights of indigenous peoples, including their social, political and economic organization, culture, language and religion. A special programme called "Misión Guaicaipuro" had been created to ensure the implementation of those rights and the full inclusion of indigenous peoples in society. The programme included the establishment of microbanks and the provision of study grants.

41. In conclusion, she said that the Government remained committed to the right of peoples to self-determination.

42. **Mr. Akram** (Pakistan) said that the exercise of the right to self-determination had enabled nations and people to gain independence from colonial Powers and that the whole system of international relations was based on that right.

43. Four principles needed to be reaffirmed. The forcible occupation of the territory of a people whose right to self-determination had been recognized was a clear violation of international law and the Charter; self-determination could not be freely exercised under foreign military occupation and repression; the right to self-determination could not be extinguished by the passage of time; and the legitimate struggle for self-determination could not be portrayed as terrorism.

44. The peoples of Jammu, Kashmir and Palestine had all been prevented from exercising their right to self-determination. In fact, six decades had elapsed since the Kashmiri people had been promised the right to self-determination by relevant Security Council resolutions. After decades of confrontation and conflict over Jammu and Kashmir, Pakistan and India had finally undertaken a dialogue but had not managed to reach a settlement. Pakistan continued to emphasize the necessity for all sides to demonstrate flexibility in the search for a solution that was acceptable to India, Pakistan and, above all, the people of Jammu and Kashmir. In its opinion, the solution would be facilitated by demilitarizing Jammu and Kashmir, releasing all political prisoners in Kashmir, and ending the violation of the human rights of the people of Jammu and Kashmir. It should be remembered that such violations could not be justified by portraying the legitimate struggle for self-determination as terrorism.

45. In accordance with their obligations under the Charter and the International Covenants on Human Rights, the international community should enable the people of Jammu and Kashmir to exercise their right to self-determination and end their suffering.

46. **Ms. Halabi** (Syrian Arab Republic) said that both the elimination of racism and the right of peoples to self-determination had been central concerns of the

United Nations since its founding. Racism historically had been the root of much of the world's evil, and in the present day, racism against Arabs and Muslims under the guise of combating terrorism was particularly disturbing. The Special Rapporteur's report (A/60/283) was very informative in this regard. It was also saddening that in the twenty-first century, entire peoples continued to be deprived of their right to self-determination.

47. The Middle East, birthplace of the three revealed religions and cradle of human civilizations, had always been a model for ethnic and cultural coexistence. Syrian citizens today enjoyed complete equality of rights and duties, and the Syrian Constitution and laws affirmed the importance of combating racism in all its forms. The Syrian Arab Republic was also a party to all international instruments on the elimination of racism.

48. Syria supported the struggle of peoples under colonial rule and foreign occupation for their right to self-determination, as enshrined in the Charter, many General Assembly resolutions and the International Covenants on Human Rights. But volumes of resolutions on the Arab-Israeli conflict had not resulted in self-determination for the Palestinian people in the face of Israel's expansionist policies, continued violations of the Charter and international law, and the lack of international pressure. The end of Israeli occupation of Arab lands, including the occupied Syrian Golan, and the exercise by the Palestinian people of their right to self-determination on their national soil with Jerusalem as their capital were necessary for security and stability in a region considered a barometer of world peace.

49. **Ms. Bachchan** (India) said that it was time to renew the commitments made at the 2001 Durban Conference. The Durban Declaration and Programme of Action had made recommendations to address intolerance and to move towards dignity and equality for all. The battle against racism must be fought within societies, and the promulgation of stringent national laws to address manifestations of racism needed heightened attention.

50. In the light of her Government's historic commitment to the elimination of racism, it was natural that at independence adequate safeguards had been built into the Indian Constitution and Penal Code against the dissemination of ideas that promoted disharmony in the country. The Constitution expressly prohibited discrimination on grounds of race. The instruments of governance in India and non-governmental sector provided the necessary support for eliminating all forms of discrimination.

51. Regarding the right of peoples to self-determination, India had played a leading role in the struggle for decolonization. In the case of Palestine, India maintained its unwavering support for and solidarity with the Palestinian people to attain their inalienable rights, including the right to self-determination. Her delegation fully supported the peace process and the road map.

52. The right to self-determination must not be abused to encourage secession and undermine pluralistic and democratic States. Moreover, self-determination must not be misinterpreted as a right of a group on the basis of ethnicity, religion or race, or used to attempt to undermine the sovereignty and territorial integrity of a State.

53. In that context, her delegation noted the unacceptable effort to raise the issue of Kashmir before the Committee. The State of Jammu and Kashmir was an integral part of the Union of India. Regular elections had repeatedly been held in Jammu and Kashmir, fully meeting the aspirations of its people. That was hardly the case in the instance of the country that had mentioned Kashmir in its statement earlier in the meeting, which pretended to be a protector of human rights while denying such rights to the people of Kashmir in the lands occupied by it. Nevertheless, her delegation looked forward to moving forward the composite bilateral dialogue between the two countries.

54. *Mr. Butagira (Uganda) resumed the Chair.*

55. **Mr. Alaei** (Islamic Republic of Iran) said that contemporary forms of racism were increasingly based on culture, nationality or religion. Expressions of such racism were disseminated in the media, including the Internet, and some policies targeted vulnerable social groups such as indigenous peoples, immigrants, non-nationals and ethnic and religious minorities. A new wave of discrimination, civil-rights abuses and hate crimes against Muslims had spread in many Western societies in the wake of the events of 11 September 2001. After the 7 July 2005 London bombings, that ugly trend had reached its highest degree and, in some cases, had led to loss of life. He drew attention to the

report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance concerning the situation of Muslim and Arab peoples in various parts of the world (E/CN.4/2005/18/Add.4, para. 27).

56. The international community had a common duty to learn from the bitter experiences of the Second World War, ethnic cleansing in Eastern Europe and Rwanda and similar tragic events resulting from racial discrimination. Currently, evil manifestations of xenophobia and intolerance not only remained stumbling blocks to the full realization of human rights but also posed a serious danger to international peace and security.

57. The Islamic Republic of Iran was one of the pioneering States in combating racism, racial discrimination, xenophobia and related intolerance. Of particular importance in that fight was the establishment of trust among people of different religions, cultures and civilizations, the renunciation of militarism and unilateralism and safeguards to prevent measures taken in the fight against terrorism from discriminating against persons of any faith.

58. Public authorities should not only condemn xenophobic manifestations but ensure that law-enforcement agencies followed through on pledges of non-discrimination. Victims of discrimination must have access to effective legal remedies and the right to seek just and adequate reparation for any damage suffered.

59. The international community must continue its efforts to eradicate racism in general and various phobias in particular and build an inclusive society that truly reflected the ethnic, religious and cultural diversity of its people.

60. **Mr. Abbas** (Iraq) said that the right to self-determination, enshrined in the Charter and the International Covenants on Human Rights, was necessary for peoples to take their rightful place in the international community.

61. Iraq's recent elections, the formation of its first elected Government in nearly a half century, and its new Constitution had demonstrated its commitment to the principles of the United Nations. The Government of Iraq, with the participation of all its people without discrimination, was working to build a society based on humanitarian values, after being held hostage to a tyrannical regime that was anything but humanitarian. The Iraqi people understood the true meaning of self-determination, and needed the help of the international community to overcome the terrorism and murder that stood in the path of their efforts to achieve it.

62. **Ms. Rasheed** (Observer for Palestine) said that the world continued to witness the emergence of many new forms of discrimination and injustice. Throughout the 38 years of Israeli occupation, the Palestinian people had endured constant threats to their national existence and systematic violations of their human rights, both individual and collective. In the previous five years, the human rights violations by the occupying Power had increased dramatically in scale and intensity and the Israeli forces had given no indication of reducing the harshness of their occupation. The Palestinian people continued to be denied not only their right to national identity on their own land but their most fundamental rights as well, including the right to life.

63. The Palestinian people were also being denied their right to self-determination. It was imperative to recall the advisory opinion of the International Court of Justice, by which Israel was under an obligation to cease construction of the wall, dismantle the structure, repeal or render ineffective all legislative and regulatory acts relating thereto and make reparation for all damage caused by its construction. Regrettably, in violation of the Court's ruling and General Assembly resolution ES-10/15, Israel had continued to confiscate Palestinian land and construct the wall in the Occupied Palestinian Territory, thereby swallowing up land required for a future Palestinian state and making the vision of a two-State solution virtually impossible.

64. She therefore called upon the international community to bring an end to the Israeli occupation and all its illegal practices and policies, so as to make way for the establishment of a viable and contiguous Palestinian State with East Jerusalem as its capital. Her delegation was again submitting its draft resolution entitled, "the right of the Palestinian people to self-determination" and trusted that the Member States would send a strong message in solidarity with the Palestinian people by adopting it by consensus.

65. **Mr. Lukyantsev** (Russian Federation) said that the failure to fully appreciate the threat of racism, racial discrimination and xenophobia often had tragic consequences. Despite the lessons learned about

theories of national or racial superiority since the victory over Nazism, in many parts of the world there had been attempts to reinterpret the outcome of the Second World War and rewrite history. A few countries which considered themselves to be democratic and progressive had lamented the days of liberation from fascism, and persons who had fought Nazism on behalf of future generations were undergoing criminal prosecution. The prospects for eradicating racism under such circumstances were thereby called into question. The international community must take a unified stand against those who were trying to gain political capital on the graves of the tens of millions of victims who had been exterminated in the previous century.

66. The Durban Conference had shown the resolve of the overwhelming majority of the international community to eliminate racism. His delegation welcomed the activities of the working groups on the implementation of the Durban Declaration and Programme of Action and on people of African descent, the Special Rapporteur on contemporary forms of racism and the Committee on the Elimination of Racial Discrimination. Furthermore, his Government reaffirmed its invitation to the Special Rapporteur to visit the Russian Federation and hoped that such a visit would take place in the first half of 2006.

67. He drew attention to Commission on Human Rights resolution 2005/5, sponsored by the Russian Federation. The resolution condemned neo-Nazism and glorification of the Nazi movement. Such action, with the connivance and even support of public officials, fuelled international discord, dishonoured the memory of the countless victims of Fascism and the Holocaust, and undermined the establishment of an environment of tolerance among young persons.

68. His delegation was surprised by the position taken by members during the voting in the Commission on that important document, including States which had suffered under Fascism. They had thereby virtually called into doubt the decisions of the Nuremberg Tribunal and the purposes and principles of the United Nations. The Russian Federation planned to submit an equivalent draft resolution during the current session and trusted that the aforementioned States would change their positions and support its initiative, which was strictly thematic rather than country-specific.

The meeting rose at 1.05 p.m.